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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,603	09/26/2003	Isao Osako	243307US3	9903
22850 7590 06/01/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER STULII, VERA	
			ART UNIT 1761	PAPER NUMBER
			NOTIFICATION DATE 06/01/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/670,603	Applicant(s) OSAKO ET AL.	
	Examiner Vera Stulii	Art Unit 1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 4-6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu et al (US 3,930,041) in view of Ando (US 3,892,874).

References and rejection are incorporated as cited in a previous Office action mailed November 14, 2006.

Response to Arguments

Applicant's arguments filed March 13, 2007 have been fully considered but they are not persuasive.

In regard to Applicants' argument that Komatsu does not disclose or suggest "boiling a measured quantity of beta noodles into a half-boiled state, in which a moisture content of the half-boiled noodles is within a range of 45 to 60 percent as a whole, until outside surfaces of the beta noodles are processed into an outer alpha layer." (p. 5 of the Reply to the Office action mailed 11/14/2006), it is noted that Komatsu et al disclose packing cooked or semi-cooked foods in sealed containers (Col.8 lines 20-45). Komatsu et al also disclose boiling as a method of cooking and "noodles such as spaghetti" as a food product (Col.8 lines 31-32, 38-39). Therefore Komatsu et al disclose boiling noodles to a half-boiled (semi-cooked) state and packing half-boiled noodles in a sealed container. As stated in the previous Office action, one of the ordinary skill in the art

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would have been motivated to vary moisture content of half-boiled noodles based on the desired level of elasticity, degree of gelatinization, luster and uniformity.

In regard to applicants' arguments that "the overpressure cooling step of Komatsu is not the slow-cooling of the claimed invention" and "Ando does not describe the technique of half-boiling disclosed by the claimed invention" (p. 6 of the Reply), it is noted that Ando discloses boiling noodles, packaging noodles in sealed container, and then cooling noodles. It is also noted that Komatsu teach that packaged article is naturally cooled while being transferred from heat-sealing step to the over-pressure cooling step. Since Komatsu et al disclose boiling noodles to a half-boiled (semi-cooked) state, packing half-boiled noodles in a sealed container and then cooling, and Ando discloses boiling noodles, packaging noodles in sealed container, and then cooling noodles, one of the ordinary skill in the art would have been motivated to modify disclosure of Komatsu et al and employ cooling step as taught by Ando. As was stated in the previous Office action, one of the ordinary skill in the art would have been motivated to vary cooling speed in order to avoid distortion in the packaged article, occurrence of waving on the sealed face and partial shrinkage of the packaged article.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vera Stulii whose telephone number is (571) 272-3221. The examiner can normally be reached on 7:00 am-3:30 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vera Stulii



KEITH HENDRICKS
PRIMARY EXAMINER